



WHEREFORE, Defendants respectfully request leave to submit a Memorandum of Law in Support of their Motion to Dismiss the Consolidated Amended Class Action Complaint in excess of the 20-page limit.

Respectfully submitted,

**BIOPURE CORPORATION, THOMAS A.  
MOORE, CARL W. RAUSCH, HOWARD P.  
RICHMAN, CHARLES A. SANDERS and J.  
RICHARD CROUT**

By their attorneys,

/s/Robert A. Buhlman

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Dated: October 6, 2004

**RULE 7.1(a)(2) CERTIFICATION**

I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs in good faith to resolve or narrow the issues presented in this motion. Counsel for Plaintiffs does not oppose the relief sought by this motion.

/s/ Eunice E. Lee

Eunice E. Lee

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on October 6, 2004.

/s/ Eunice E. Lee

Eunice E. Lee